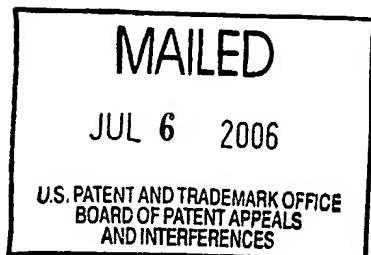


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JAMES A. HOFF

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Application 10/602,905

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on July 5, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that appellant filed an Appeal Brief on March 20, 2006. In response, an Examiner's Answer was mailed on April 20, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8<sup>th</sup> Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that “[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal” [page 2 under the caption “Evidence Relied Upon”], the claim rejections are listed as follows:

1. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw et al. US 4,105,135 in reference to Baughman US 5,971,189 [page 3];
2. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. US 4,105,135 [page 3];
3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baughman US 5,680,953 [page 3]; and

4. Claims 13-17 [are] rejected under 35 U.S.C. 103(a) as being unpatentable over Ziegler et al. US 4,124,140 in view of Bradshaw et al. US 4,105,135 [page 3].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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